

JC07 Rec'd PCT/PTO 27 FEB 2002

09/744148

#10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elstein et al.

Atty Docket: LLE-007.01
(21379-701)

Serial No.: 09/744148

Art Unit: N/A

Date Filed: January 19, 2001

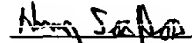
Examiner: Tung, B.

Based on PCT/IL99/00381 Filed: July 12, 1999

Date: February 11, 2001

Invention: SOLAR BLIND UV VIEWING APPARATUS
AND CAMERA*****
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on February 11, 2001.


Henry Soohoo

RECEIVED
18 MAR 2002
Legal Staff
International Division

**PETITION FOR REVIVAL OF ABANDONED APPLICATION
UNDER 37 C.F.R. §1.137(b)**

Petitions Branch
Commissioner for Patents
Washington, D.C. 20231

03/05/2002 SHAJARRO 00000004 051448 09744148
01 FC:241 20.00 CH 620.00 OP

Sir:

Applicants respectfully petition to revive the above-identified patent application, pursuant to 37 C.F.R. §1.137(b).

1. On January 19, 2001, Applicants filed the present application in the United States Designated/Elected Office (DO/EO/US) as a national stage application of PCT/IL99/00381. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. § 371(c)(1).

2. On February 26, 2001, the DO/EO/US mailed a Notification of Missing Requirements under 35 U.S.C. § 371 (Form PCT/DO/EO/905), which indicated, among other things, that an oath or declaration in compliance with 37 C.F.R. § 1.497 must be filed. A copy is attached hereto as Exhibit A.

3. On April 26, 2001, Applicants filed a Response to the Notification of Missing Requirements. Included with the Response were (1) the Transmittal Letter, (2) the executed Declaration and Power Attorney, (3) a copy of Notification of Missing Requirements, (4) Request for One Month Extension of Time, (5) a check for \$175.00 for the Request for Extension, and (6) Return Postcard. Copies of the Response along with the indicated documents are provided herewith as Exhibit B.

4. On April 30, 2001, the Response to the Notification of Missing Requirements was received by the U.S. Patent and Trademark Office - PCT Division, and the Return Postcard was stamped with the April 30, 2001 date. A copy of the stamped Returned Postcard is attached as Exhibit C.

5. On September 19, 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements within the response period set therein. Attached hereto as Exhibit D.

6. On September 27, 2001 Applicants attorney contacted Deborah Williams and her supervisor Ms. Green of the PCT Division regarding the Notification of Abandonment. Ms. Williams telephoned Applicants attorney indicating that she would investigate the Notification of Abandonment and get back to Applicants' attorney at the end of the day, September 27, 2001.

7. On October 11, 2001, Ms. Williams telephoned Applicants' attorney indicating that the Response to the Notification of Missing Requirements, mailed on April 26, 2001, was never received by the DO/EO/US. Ms. Williams suggested that the Response along with all papers originally filed with the Response to the Notification of Missing Requirements be facsimile transmitted to her at (703) 305-3230. The Response and all related documents, as filed on April 26, 2001, were transmitted by facsimile to Ms. Williams on October 11, 2001.

8. On December 5, 2001, a decision by the PCT Division was mailed in response to the documents filed by Applicants' attorney on October 11, 2001. The copies of the Response to Notification of Missing Requirements, along with the accompanying documents, were deemed a "Request" to accord the accompanying declaration an original filing date. The decision dismissed the Request. A copy of the decision is provided herewith as Exhibit E.

9. On December 18, 2001, Applicants filed a Renewed Petition Under 37 C.F.R. § 1.181. A copy is attached as Exhibit F.

10. On January 23, 2002, the PCT Division mailed a response dismissing the Renewed Petition. A copy is attached as Exhibit G.

11. In accordance with 37 CFR 1.137(b), Applicant's Attorney provides:

a. In accordance with 37 CFR 1.137(b)(1), a copy of the fully executed Response to File Missing Parts of an Application, as filed on April 16, 2001, is supplied herein as Exhibit B with a fully executed Combined Declaration and Power of Attorney (confirmation of the originally filed faxed copy is provided herewith for clarity as Exhibit H), and a copy of the Notice to File Missing Parts of Application. Filing fees were previously submitted in the Response dated April 26, 2001;

b. In accordance with 37 CFR 1.137(b)(2) and 1.17(m), a petition fee in the amount of \$620.00 based on a small entity status;

c. In accordance with 37 CFR 1.137(b)(3), Applicants' Attorney states that the entire delay in filing the enclosed Reply was unintentional based upon the facts declared in paragraphs 1-10 herein.


It is thus respectfully petitioned and requested that the subject Application be revived, that the enclosed Response to Missing Parts of Application be entered, and that the subject Application be processed for Examination.

Although we believe that we have appropriately provided for any fees due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to/from our **Deposit Account No. 06-1448**.

If any questions remain, or any additional information is needed, Applicants' Attorney respectfully requests a telephone call to the undersigned.

Dated: 2/11/02

Respectfully submitted,



Chinh H. Pham
Registration No. 39,329

Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109-2170
(617) 832-1000

Enclosures



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

LLB-701

09/744,148

U.S. APPLICATION NO. 09/744,148 FIRST NAMED APPLICANT ELSTEIN ATTORNEY/AGENT NO. 7.0

5071

FOLEY HOAG & ELIOT
ONE POST OFFICE SQUARE
BOSTON MA 02109-2170

INTERNATIONAL APPLICATION NO.
PCT/IL99/00281

CA FILING DATE 07/12/99 PRIORITY DATE 07/20/98

02/26/01

DATE MAILED

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494),

☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 19 January 2001 and _____.

☐ Information Disclosure Statement(s) filed _____ and _____.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other: _____

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

RECEIVED

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 505-3777

MAR 02 2001

PATENT DEPT.
DOCKETING



Missing Req'm'ts
DUE: 3-26-01
FINAL: 8-26-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elstein et al.

Serial No: 09/744,148

Filed: January 29, 2001

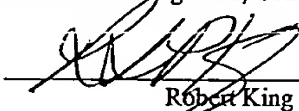
For: SOLAR BLIND UV VIEWING
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007.01
(21379-701)

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231, on April 26, 2001.


Robert King

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Box PCT
Commissioner for Patents
Washington, DC 20231

Sir:

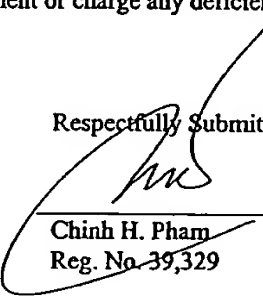
In response to the Notification of Missing Requirements mailed 2/26/2001, Applicants enclose herewith a Combined Declaration and Power of Attorney for Patent Application for the above application. Also enclosed is a check in the amount \$175.00 of which \$110.00 is for one month extension fee and \$65.00 for late filing fee surcharge, and a copy of the Notification of Missing Requirements.

Although we believe that we have submitted the correct amount to cover the above-listed items, the Commissioner is authorized to credit any overpayment or charge any deficiencies to our Deposit Account No. 06-1448.

Respectfully Submitted,

Date: April 26, 2001

Customer No: 25181
Patent Group
Foley Hoag LLP
One Post Office Square
Boston, MA 02109-2170


Chinh H. Pham
Reg. No. 39,329

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elstein et al.

Serial No: 09/774,148

Filed: January 29, 2001

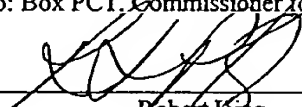
For: SOLAR BLIND UV VIEWING
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007 01
(21379-701)

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Box PCT, Commissioner for Patents, Washington, D.C. 20231, on April 26, 2001.


Robert King

TRANSMITTAL LETTER

Box PCT
Commissioner for Patents
Washington, DC 20231

Sir:

Enclosed herewith are:

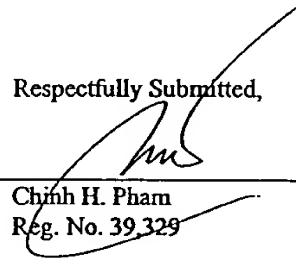
1. Response to Notification of Missing Requirements; 2. Check in the amount of \$175.00; 3. Declaration and Power of Attorney; 4. Copy of Notification of Missing Requirements Letter; and 5. Return Postcard.

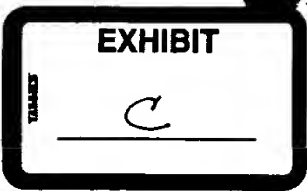
Although we believe that we have submitted the correct amount to cover the above-listed items, the Commissioner is authorized to credit any overpayment or charge any deficiencies to our Deposit Account No. 06-1448.

Respectfully Submitted,

Date: April 26, 2001

Customer No: 25181
Patent Group
Foley, Hoag LLP
One Post Office Square
Boston, MA 02109-2170


Chinh H. Pham
Reg. No. 39,329



Postcard and Listed Documents is/are
being deposited Under 37 CFR §1.8(a)

Docket No. LLE-007.01
(21379-701)
Appl. No. 09/774,148

Title: SOLAR BLIND UV VIEWING APPARATUS AND CAMERA

The following was/were received in the U.S. Patent & Trademark Office Mail Room
on the date stamped hereon: Response to Notification of Missing Requirements; check in
amount of \$110.00 for the surcharge; copy of Notification of Missing Requirements Lette
Petition for Extension of Time
Transmittal Letter and this postcard
JC03 Rec'd PCT/PTO 30 APR 2001

Dated: April 26, 2001

Chinh H. Pham
Reg. No. 39,329

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elstein et al.

Serial No: 09/744,148

Filed: January 29, 2001

For: SOLAR BLIND UV VIEWING
APPARATUS AND CAMERA

Art Unit: To Be Assigned

Attorney Docket No.: LLE-007.01
(21379-701)

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, on April 26, 2001.


Robert King

PETITION FOR A ONE-MONTH EXTENSION OF TIME

Sir:

Applicants hereby petition for a One-month extension of time, pursuant to 37 CFR 1.1.36(a) for filing a response to the mailed Notice to File Missing Parts in the above-identified application.

A check in the amount of \$110.00 for the extension fee is enclosed. The Commissioner is hereby authorized to charge any under-payments or credit any overpayments to our Deposit Account No. 06-1448.

Respectfully Submitted,

By: 

Chinh H. Pham

Reg. No. 39,329

Agent/Attorney for Applicants

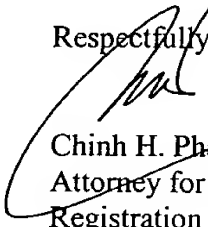
Customer No: 25181
Patent Group
Foley Hoag LLP
One Post Office Square
Boston, MA 02109-2170
Tel. (617) 832-1000
Fax. (617) 832-7000
Date: April 26, 2001

- 4) Copies of notes of conversation between Applicants' attorney and the DO/EO/US;
and
- 5) Copies of the Notification of Missing Requirements, Notification of
Abandonment, and Decision to Deny Response to Notification of Missing
Requirements.

In view of the above submission, Applicants petition that the Commissioner accept the
executed Declaration as being timely filed with the Response to the Notification of Missing
Requirements.

Applicant does not believe that any fee or extension is needed in connection with
response. However, should any extension or fee be required for timely consideration of the
present response, Applicant hereby petitions for same and requests that the extension fee and any
other fee required for timely consideration be charged to Deposit Account No. 06-1448.

Respectfully submitted,


Chinh H. Pham
Attorney for Applicant
Registration No. 39,329

Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109
T: (617) 832-1000
F: (617) 832-7000

Customer ID No. 25181

Patent to Withdraw Aband.

DOCKETED

DUE: 11.19.01

09/744,148

ELSTEIN

S

LLP-007.01 (

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS 9/00381

Box PCT

Washington, D.C. 20231

LLP-00701

FOLEY HOAG & ELIOT

ONE POST OFFICE SQUARE

BOSTON, MA 02109-2170



U.S. APPLICATION NO.

FIRST NAMED APPLICANT

07/12/99

ATTY. DOCKET NO.

07/20/98

INTERNATIONAL APPLICATION NO.

09/744,148

ELSTEIN

5071

FOLEY HOAG & ELIOT
ONE POST OFFICE SQUARE
BOSTON MA 02109-2170

LA. FILING DATE

PRIORITY DATE

07.01 (

PCT/IL99/00381

DATE MAILED:

NOTIFICATION OF ABANDONMENT

07/12/99

07/20/98

09/19/01

The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

1. ☐ Applicant's letter of express abandonment received _____ is in compliance with CFR 1.138 and is hereby acknowledged.
2. ☐ Applicant has failed to provide the full U.S. Basic National Fee by ☐ 20 months (37 CFR 1.494(b)(2)),
☐ 30 months (37 CFR 1.495(b)(2)).
3. ☒ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed _____ within the time period set therein.
4. ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed _____ within the time period set therein. See the attached NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
5. ☐ Other.



Therefore, the above identified application failed to meet the requirements of 35 U.S.C 371 and 37 CFR ☐ 1.494,
☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Richard B. Williams
Telephone: 703-305-3744

FORM PCT/DO/EO/909 (May 1993)

MA 9.26

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1894
CONNECTION TEL 917033053230
SUBADDRESS
CONNECTION ID USPTO/PCT OPEP
ST. TIME 10/11 16:17
USAGE T 02'19
PGS. 8
RESULT OK

EXHIBIT

E



**FOLEY
HOAG**
ATTORNEYS AT LAW

Fax

Date: October 11, 2001

To: Deb Williams

Fax #: (703) 305-3230

Confirm#: (703) 305-3799 44

Client Matter#: 21379-701

From: Chinh H. Pham

Sender's Number: 1234

User #: 810

Total Pages Sent (Including Cover Sheet): 8

Office: Boston

Message

U.S. Patent No.: 09/744,148

Our Reference No.: LLE-007.01 (21379-701)

Dear Ms. Williams:

In accordance with our conversation this morning, enclosed are the documents which we submitted in connection with the Notification of Missing Requirements mailed February 26, 2001.

Please let me know if you need any additional information.

Sincerely,

Chinh H. Pham



**FOLEY
HOAG**
ATTORNEYS AT LAW

Fax

Date: October 11, 2001

To: Deb Williams

Fax #: (703) 305-3230

Confirm#: (703) 305-3799

Client Matter#: 21379-701

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Message

U.S. Patent No.: 09/744,148

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Dear Ms. Williams:

In accordance with our conversation this morning, enclosed are the documents which we submitted in connection with the Notification of Missing Requirements mailed February 26, 2001.

Please let me know if you need any additional information.

Sincerely,

Chinh H. Pham

IMPORTANT – PLEASE READ

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION PLEASE TELEPHONE THE SENDER.

Postcard and Listed Documents is/are
being deposited Under 37 CFR §1.8(a)

Docket No. LLE-007.01
~~(21379-701)~~
Appln. No. 09/774,148

Title: SOLAR BLIND UV VIEWING APPARATUS AND CAMERA

The following was/were received in the U.S. Patent & Trademark Office Mail Room

on the date stamped hereon: Response to Notification of Missing Requirements; check in
amount of \$110.00 for the surcharge; copy of Notification of Missing Requirements Lette
Pat. Exam for review by T.J.M.
Transmittal Letter and this postcard
JC03 Rec'd TGT/PTO 30 APR 2001

Dated: April 26, 2001

Chinh H. Pham
Reg. No. 39,329

MEETING/PHONE CONFERENCE MEMO

Date: 9/27/01 Time: _____Client: 21379

Meeting with: _____

Matter: 701

Phone Conference

To: Deborah WilliamsFrom: DPhone Number: (703) 305-3744Attorney: CP

COMMENTS: Contact Deborah Williams + her supervisor Ms. Green
regarding Notice of Abandonment for guidance to respond to
Notice of Missing Requirements (Feb, 2001)

09/744, 148

Message to both that we filed the response in April 2001
and requested that each call us back.

703 305-3730 Fax

She called us back and said beyond of day

10/1/01 Message for Williams regarding status

MEETING/PHONE CONFERENCE MEMO

Date: 10/2/01 Time: _____

Client: 21371

Meeting with: _____

Matter: 701

To: Ms. Williams

Phone Conference

From: _____

Phone Number: (703) 305-3744

Attorney: CJP

COMMENTS: _____

Discussed w/ Ms. Williams status of app.
she indicated that her request for the filed has not been responded
to.
she will request file again and let us know 6/10 9-5 tomorrow
the status of app

MEETING/PHONE CONFERENCE MEMO

Date: 10/11/01 Time: _____

Client: 21379

Meeting with: _____

Matter: 701

Phone Conference To: _____

From: Deb. Williams

Phone Number: (703) 375-3746

Attorney: _____

COMMENTS: as Fax in papers regarding response to Notice to File MP
+(703) 305-3230
Send to Attn of Deborah Williams (by 7:00pm)

MEETING/PHONE CONFERENCE MEMO

Date: 10/15/01 Time: _____

Client: 21379-701

Meeting with: _____

Matter: _____

Phone Conference

To: Deborah Williams

From: _____

Phone Number: (781) 315-3744

Attorney: CAP

COMMENTS: ~~As~~ Ms Williams received our copies of the response
which we faxed to her on Friday Oct. 17, 2001
She will send the document to the appropriate people.
She does not think that we will need to file a Petition to
Withdrawal of Amendment, but asked us to wait to hear
from the PTI

o

10:17 01

* Evidence that paper was filed on that date
* First hand knowledge
* Standard for filing & that procedure
a Mail to Examiner They



DEC 05 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

LEE-00701

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

EXHIBIT

G

Request for Reconsideration

DOCKETED

DUE: 2-5-02

Patent Group
Foley, Hoag & Eliot LLP
One Post Office Square
Boston, MA 02109-2170

In re Application of ELSTEIN et al
U.S. Application No.: 09/744,148
Int. Application No.: PCT/IL99/00381
Int. Filing Date: 12 July 1999
Priority Date: 20 July 1998
Attorney Docket No.: I.I.P-007.01 (21379-701)
For: SOLAR BLIND UV VIEWING APPARATUS
AND CAMERA

DECISION

This is in response to applicants' letter filed 11 October 2001, which is being treated as a request to accord the accompanying declaration an original filing date of 30 April 2001.

BACKGROUND

On 12 July 1999, applicants filed international application PCT/IL99/00381, which claimed priority of an earlier Israel application filed 20 July 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 03 February 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 11 February 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 January 2001 (20 January 2001 was a Saturday).

On 19 January 2001, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 February 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 19 September 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned as to the United States.

RECEIVED

DEC 11 2001

hmp

T.
G.

States for failure to timely respond to the Notification of Missing Requirements within the response period set therein.

On 11 October 2001, applicants filed the present petition. The petition states that it is accompanied by a copy of a response to the Notification of Missing Requirements purportedly filed on 30 April 2001 and a copy of a return postcard receipt.

DISCUSSION

MPEP 503 states in relevant part,

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. . . . Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

In the present case, the copy of the return postcard receipt filed with the present request does not list a declaration in its itemized contents. The listing of a "Response to Notification of Missing Requirements" is insufficient. As set forth above, incorporation by reference in a postcard receipt does not serve as *prima facie* evidence or receipt of those items.

It is further noted that the declaration filed 11 October 2001 is improper because it is illegible.

CONCLUSION

For the reasons above, the petition is DISMISSED without prejudice.

If reconsideration on the merits of this decision is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.


Bryan Tung

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App. Serial No. 09/744,148
Atty. Dkt: LLE-007.01
(21379-701)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elstein et al..

Atty Docket: LLE-007.01
(21379-701)

Serial No.: 09/744,148

Art Unit: N/A

Date Filed: January 19, 2001

Examiner: Tung, B.

Based on PCT/IL99/00381 Filed: July 12, 1999

Date: December 18, 2001

Invention: SOLAR BLIND UV VIEWING APPARATUS
AND CAMERA

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on December 18, 2001.

William Homan
William Homan

Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

Statement Attesting to Mailing of P.T.O. Correspondence
Under 37 C.F.R. § 1.8(a)

Dear Sir:

I, the undersigned, state that on April 26, 2001, I executed the Certificate of Mailing and mailed the original attached copy of the correspondence (Exhibit B) by first class mail, with sufficient postage, in an envelope addressed to the "Commissioner for Patents, Washington D.C. 20231".

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 12/18/01

Robert King
Robert King